REMARKS

Claims 1-2, 4-26, 29-42, 44-47, 49-54, and 56-57 remain in this application. Claims 1, 4, 23, 36, 44, 52, 56 have been amended. No new claim has been added. Claims 3, 27-28, 43, 48, 55 and 58 are hereby canceled without prejudice or waiver of the right to pursue the subject matter of said claims in this or another application. All other claims remain the same. Reconsideration of the claims as presented in requested.

Claims 1, 23, 36, 44, and 52 have been amended to specify the "one or more hydrophilic polymers is a combination of polymers" and to "exclude microcrystalline cellulose and erythritol". The support for the added subject matter is found in original claims 3, 27, 28, 48 and 55 and claims 43 and 58. Erythritol has been excluded from the composition in order to further define the invention.

Claims 4 and 56 have been amended to change their dependencies.

Claims 1-58 stand rejected under 35 U.S.C. 103(a) as being unpatentable (obvious) over Murakami et al. (US 6,287,596) in view of Luber et al. (US 2003/0068373). Examiner argues that Murakami et al. suggests a directly compressed quickly disintegrating tablet containing an antacid (magnesium oxide or magnesium carbonate) and excipients such as a disintegrant (sodium croscarmellose or low substituted HPC), lubricant (polyethylene glycol), binding agent (polyvinyl alcohol or polyvinyl pyrrolidone), surfactant and others, but does not disclose evaluation of the *in vitro* dissolution profile of the composition according to USP <711>. Examiner then relies upon Luber et al. as disclosing evaluation of the dissolution properties of an immediate release tablet containing magnesium salt (magnesium hydroxide, magnesium carbonate or magnesium hydroxide) according to the USP. The tablet of Luber et al. can contain a powdered wax, lubricant, glidant, surfactant, disintegrant. Insofar as it may apply to the present claims, this rejection is traversed.

Applicants note that the '373 Publication of Luber et al. is already described in the Background Section of the instant application. Examiner's description of Luber et al. is not completely accurate. Luber et al. is directed to a tablet "which is substantially free of water-soluble, non-saccharide polymeric binders" (claim 5) or "which is substantially free of hydrated polymers" (claim 6). The instant invention requires one or more hydrophilic polymers, wherein the one or more hydrophilic polymers is a combination of polymers. Exemplary polymers of the

instant invention, as set forth in the claims include polyethylene glycol, poloxamer, povidone, and co-povidone, so the composition of the invention is not "substantially free of water-soluble, non-saccharide polymeric binders".

Examiner's description of Murakami et al. is also not completely accurate. Examiner fails to recognize that all of the embodiments of Murakami et al. require the presence of erythritol and at least one other excipient, and the combination of both must be present in an amount of at least about 30% of the total weight of the compressed tablet. Murakami states, "Amounts less than 30% by weight lead to insignificant contribution of these ingredients, resulting in poor disintegration and dissolution." Moreover, the ratio of erythritol and other excipients in the combined excipients is defined such that the erythritol comprises 30%-95% by weight of the combination. This means that the tablets of Murakami must have at least 9%-28% by weight of erythritol. So, it is surprising that present inventors were able to achieve rapidly dissolving tablets with a stable dissolution profile in the absence of erythritol. All of the instant independent claims (1, 23, 36, 44 and 52) have now been amended to exclude erythritol from the composition. Even so, the instant compositions provide the claimed rapid release and stable dissolution profile.

Accordingly, Murakami et al. in combination with Luber et al. fails to teach or suggest a rapidly dissolving solid oral composition comprising one or more magnesium salts, one or more disintegrants, "**a combination of hydrophilic polymers**", and "**excluding microcrystalline cellulose and erythritol**", wherein the dissolution profile according to USP <711> remains stable for at least two months.

Accordingly, applicants respectfully submit that this rejection has been overcome and request that it be withdrawn.

Applicants have made a diligent effort to advance prosecution of the instant application by presenting claim amendments and supportive argumentation. Applicants respectfully submit that the invention as claimed is allowable over the art of record. An early notice of allowance thereof is requested.

Respectfully submitted,

Date: November 2, 2007
Innovar, L.L.C.
P.O. Box 250647
Plano, TX 75025-0647
Ph.: 972-747-7373
Fax: 972-747-7375

/RICK MATOS/
Rick Matos
Registration No. 40,082
Agent for Applicant
Email: innovarllc@sbcglobal.net